Civil Writ Petition No.5128/1992
Ramswarup Garg
Versus
Authority under Minimum Wages Act & Others

Date of Order ::: 09/11/05

Hon'ble Mr. Justice Ajay Rastogi

Mr. Y.K.Sharma for Mr. Mahendra Shah, for petitioner

Instant petition has been filed questioning validity of order 24/02/89 (Ann.1) passed by the Authority under Minimum Wages Act 1948 ("the Act").

Only contention raised by petitioner is that without service of notices being effected upon petitioner, the respondent Authority has proceeded ex parte, which has caused prejudice and thereby no effective defence could be put before the authority, in such circumstances, impugned decision (Ann.1) is against principles of natural justice.

Having heard learned counsel for the petitioner, and with his assistance, perused the material on record, this fact remained undisputed that workman in his application under the Act has prayed for difference of wages amounting to Rs.1856/- arising out of payment of wages less than minimum wages prescribed by the State Government and which was payable to him for the period during which he worked from February 87 to June, 1987.

As per facts available on record, notice was sent for service to be made effective but petitioner refused to accept notices and an endorsement was made on returned notices and taking note of such

endorsement, prescribed authority proceeded ex parte and arrived at the conclusion that no justification has come forward with regard to payment of minimum wages.

Despite question put to the counsel to still justify as to what was the justification not to make payment of wages as prescribed under the Act, no justification has come forward. Even otherwise, total amount payable to workman was Rs.12190/-. In such circumstances, I find no justification to interfere with impugned decision.

Consequently, this writ petition fails and is hereby dismissed with no order as to costs. Stay order stands vacated.

(Ajay Rastogi), J.

K.Khatri/5128CWP1992.